

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

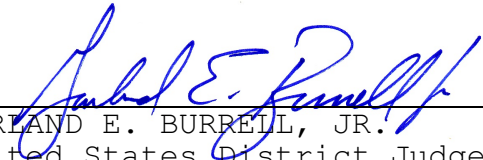
UNITED STATES OF AMERICA,)	
)	2:05-cr-00122-GEB
Plaintiff,)	
)	
v.)	<u>ORDER DENYING DEFENDANT'S</u>
)	<u>MOTION FOR SENTENCE REDUCTION</u>
TALTON ROBINSON,)	
)	
Defendant.)	
_____)	

Defendant Talton Robinson, proceeding pro se, filed a motion under 18 U.S.C. § 3582(c)(2) on August 30, 2010, in which he argues he should receive a reduction in his federal prison sentence based on the new crack sentencing guidelines. A Minute Order established a briefing schedule on the motion, following which the government filed an opposition to the motion on September 28, 2010. Defendant's reply brief was required to be filed fourteen days after the filing of the government's opposition brief, but he failed to file a reply brief.

The government argues in its opposition since Defendant was sentenced as a career offender "and received a guideline sentence as such," he is not entitled to any sentence reduction, citing United States v. Wesson, 583 F.3d 728 (9th Cir. 2009). The government is correct. As the Ninth Circuit stated in United States v. Wesson, since Defendant was sentenced as a career offender under the sentencing

1 guidelines, he is not eligible for the sentence reduction he seeks. Id.
2 at 731. Therefore, Defendant's motion filed on August 30, 2010 is
3 denied.

4 Dated: October 20, 2010

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8 GARLAND E. BURRELL, JR.
9 United States District Judge
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